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10/553,613	10/18/2005	Noritaka Kusumoto	MAT-8702US	1982
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/553,613

**Applicant(s)**

KUSUMOTO, NORITAKA

**Examiner**

ALAN LUONG

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

This Office Action is responsive to the Amendment filed on 06/13/2008.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0005443 by Axelsson et al. , in view of US Patent 5,585,865 to Amano et al..

**Regarding to claims 1:**Fig. 1 of Axelsson illustrates an electronic program guide EPG system 1 associated with a broadcast receiver in a broadcast system is displayed in a first display area on a display unit, such as a TV set as a **picture receiver (¶0025)**, comprising:

Fig. 1 of Axelsson illustrates an electronic program guide EPG [1] has function as a **program information accumulating unit** receives a command from remote control [RC] to select desired broadcast channel by tuning mean associated with the broadcast receiver which is **configured to accumulate** parameters identifying the selected program are stored in the storage [3] as **program information about programming available for the picture receiver to receive**; (see Axelsson, ¶0025-¶0026 and claim 1).

Fig. 1 shows a full screen display area [1] as a **viewing information obtaining unit** includes a second display area [2] as P.I.P. area for displaying the program that was shown in full screen when the EPG was entered (**¶0025**), EPG system [1] also includes a second display generation means is **configured to obtain viewing information** to be displayed on display area [2] of display unit **about** the selected program, by using RC user can select previous program and next program to display on full screen display area [1] if the previous program or next program is displayed on second area [2] as **programming which the picture receiver has received (¶0026-¶0028)**;

Fig. 1 also shows EPG system [1] as a TV set or a **picture displaying unit** as the said desired program on the second display area [2] and Fig. 2 illustrates the EPG system [1] has a third display area [5] which displays a history list of the programs registered in the storage means 3(**¶0030**), **configured to display** the program on the history list as **the recommended program** when user selects the program on the history list, **the recommended program** display on second display area [2] and the previous program was displayed on second display area [2], by activating the button on RC, EPG will display on full screen display [1] (**¶0030, and claims 4-7**).

However, Axelsson is silent to “**a program recommending unit configured to recommend a program that is available to be received based on the obtained viewing information and the accumulated program information and wherein for selecting either the recommended program or the other program by using a remote controller, said picture display unit further displays a remote controller**

**operation guide simultaneously with the recommended program and the other program".**

In an analogous art directed toward a similar problem namely improving the results from **a program recommending unit configured to recommend a program**. Fig. 1 of Amano illustrates **a program recommending unit** as a TV receiver includes microcomputer [13] control tuner [2] to receive a television signal of a desired channel/broadcast channel containing the EDS data includes **the obtained viewing information and the accumulated program information (col. 4 lines 1-6)** is demodulated by a video signal detector 4 is connected to a slicer 21. Slicer 21 acts to separate EDS information to be sent to a decoder 22 and the microcomputer 13 is further connected to a reservation memory 14, a registration memory 15, and a frequency memory 19 which stores data about the history of reception of broadcast channels and programs, or program genres, selected by the user. The microcomputer 13 is also connected to a remote control signal receiver [12] for receiving an infrared signal coming from a remote controller [11] (col. 3 line 57 to col. 4 line 65). Fig. 2 of Amano also indicates a remote control [11] includes genre buttons [33] associated with a genre/type program is **configured to recommend a program** to a user's desire to view, microcomputer [13] determines the genre program specified by the button 33 **that is available to be received based on the obtained viewing information and the accumulated program information** (Amano, col. 2 lines 32-64, col. 4 line 66 - col. 5 line 20, and Fig. 5, col. 6 lines 7-22).

Fig. 4 of Amano also depicts a desired TV program is displayed on full screen display, when user select Sport genre 6 by pressing button 33 **wherein for selecting either the recommended program [Sport genre 6] or the other program [other genre type program] by using a remote controller**, microcomputer [13] determines the EDS data to decoder 22, the decoded data is supplied to adder [25] which outputs on display CRT 24 as **said picture display unit further displays a remote controller operation guide** as the message of timer reservation period is displayed on Fig.4 **simultaneously with the recommended program** will be broadcast in the future **and the other program** is displayed on full screen display of Fig.4. (Amano, col. 6 line 64 - col. 7 line 22),

Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention was made to modify a EPG display of Axelsson with a program recommending unit as taught by Amano, in order to allow for automatic tuning of broadcast channel on a genre/types of TV programs are broadcast based upon user input or identification of a desired program, or program type.

**Regarding to claims 2:** The picture receiver of claim 1, Fig. 1, 2 of Amano depicts a remote control [11] has genre button [33] associated with genre program which is used to indicate a user desire to watch a genre program channel **wherein the program recommending means** includes a microcomputer [13] connecting with memory [14] for reservation timer, memory [15] for registered function button of remote control [11] for storing recommended program genre code data and frequency memory [19] for storing history reception of broadcast channels was selected by user, An extractor for

extracting EDS data contains genre code data from desired broadcast signal input and comparator for comparing extracted genre code data with the recommended program genre code data in memory [15], if extracted genre code data matches with the recommended program genre code data in memory, **judges whether or not the recommended program matches the other program**, (Amano, col. 2 lines 32-64). Addition, Axelsson also teaches EPG display [1] as **the picture displaying means executes a two-picture display wherein the recommended program** is a desired program on history list stored in storage [3], selected by user is displayed on PIP window [2] and **the other program** as EPG information **are displayed** in display area [1] **simultaneously** (Axelsson, ¶0030)

With respect to claimed **only when the program recommending means** compares the extracted genre code data **does not match** with the recommended program genre code data, **judges that the recommended program does not match the other program** is met by Amano teaches if no match is found, the comparison is repeated until a match is found, upon which the power is turned on. This allows the user to view a specified program if a change occurred in the broadcasting time of the program. (Amano, col. 8 lines 24-31).

**Regarding to claims 3:** The picture receiver of claim 1, Fig. 1 of Axelsson illustrates a EPG system display [1] includes PIP as a second display area [2] **wherein the picture displaying means [1] shifts a mode of display to a one-picture display of the** current desired program is displayed on PIP area [2] to full screen display area [1], in

**accordance with input information from the remote controller** when EPG was entered. (Axelsson, ¶0025)

Fig. 2 of Axelsson also depicts a EPG display [1] has a third display area [5] contains a history list of **the recommended program registered in storage means [3], in accordance with input information from the remote controller**, the third input means program is activated, selecting the recommended program on the history list is displayed on second display area [2] and the fourth input means program is activated **wherein the picture displaying means [1] shifts a mode of display to a one-picture display of the recommended program** in full screen display (Axelsson, ¶0030, and claims 4-7).

**Regarding to claims 4:** merely repeats limitation of claim 1, claim 4 is anticipated with Axelsson and Amano (see claim 1 rejection for detail)

**Regarding to claims 5** merely repeats limitation of claim 2, claim 5 is anticipated with Axelsson and Amano (see claim 2 rejection for detail)

**Regarding to claims 6, 7, 8:** merely repeats limitation of claim 3, claim 3 is anticipated with Axelsson and Amano (see claim 3 rejection for detail)

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALAN LUONG/  
Examiner, Art Unit 2623

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